

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANDREW H. COHEN,

Defendant.

Adv. Pro. No. No. 10-04311 (SMB)

NOTICE OF PRETRIAL CONFERENCE

PLEASE TAKE NOTICE that on November 10, 2010, this Court entered the Order (1)
Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending
the February 16, 2010 Protective Order (the "Order") (ECF No. 3141). Pursuant to the Notice of

Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this adversary proceeding on November 26, 2010 (Adv. Pro. No. 10-04311, ECF No. 2), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

PLEASE TAKE FURTHER NOTICE that on June 13, 2011, defendant Andrew H. Cohen (the “Defendant”), filed an answer (Adv. Pro. No. 10-04311, ECF No. 10) and pursuant to the Avoidance Procedures the Trustee and Defendant (the “Parties”) commenced discovery, which was completed on October 14, 2014;

PLEASE TAKE FURTHER NOTICE that pursuant to the Avoidance Procedures, on October 20, 2014, the Trustee filed a Notice of Mediation Referral (ECF No. 40), wherein the Parties jointly agreed to enter mediation and, on March 10, 2015, the mediation was completed without a settlement between the Parties;

PLEASE TAKE FURTHER NOTICE the mediator filed his final report on March 12, 2015 indicating that the mediation was unsuccessful (ECF No. 45);

PLEASE TAKE FURTHER NOTICE that pursuant to Section 7 of the Avoidance Procedures concerning scheduling a pretrial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

PLEASE TAKE FURTHER NOTICE that the pre-trial conference in the above-referenced adversary proceeding has been scheduled for **May 20, 2015, at 10:00 a.m.**;

PLEASE TAKE FURTHER NOTICE that the above-referenced hearing will be held
before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge.

Dated: April 29, 2015
New York, New York

BAKER & HOSTETLER LLP

By: /s/Nicholas J. Cremona
45 Rockefeller Plaza
New York, NY 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*